

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Bobby Gene Owens,	)	
	)	C.A. No. 6:06-3556-HMH
Plaintiff,	)	
	)	<b>OPINION &amp; ORDER</b>
vs.	)	
	)	
K. R. Drenth Trucking, Inc. and	)	
James Davis,	)	
	)	
Defendants.	)	

This matter is before the court on K. R. Drenth Trucking, Inc. and James Davis’s (collectively “Defendants”) motion for an independent medical examination of Bobby Gene Owens (“Plaintiff”) pursuant to Rule 35 of the Federal Rules of Civil Procedure. The Defendants request an order “allowing their expert, Mark T. Wagner, Ph.D., to perform an independent neuropsych examination of the Plaintiff and an MRI of the Plaintiff’s brain.” (Def.s’ Mem. Supp. Mot. Independent Medical Examination 2.) The Defendants filed the instant motion on September 4, 2007, and the deadline for discovery as set forth in the court’s second amended scheduling order was August 22, 2007.<sup>1</sup> Therefore, the Defendants’ motion for an independent medical examination is denied.

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<sup>1</sup> The court entered a third amended scheduling order on September 26, 2007. However, the discovery deadline was not changed.

Therefore, it is

**ORDERED** that the Defendants' motion for an independent medical examination, docket number 39, is denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
October 2, 2007